

REMARKS

Claims 2-26 remain in the application. Applicant asserts that no new matter has been added. Reconsideration of the Application is hereby requested.

Claim Rejections Under 35 U.S.C. 112

Claim 6 was rejected under 35 U.S.C. 112 on the grounds that it contains a negative limitation. While the rejection indicates that Claim 6 was rejected as containing a negative limitation, it provided no basis as to why such a rejection would be proper. Applicant respectfully traverses this rejection for two reasons: (1) Claim 6 does not contain a negative limitation; and (2) even if it did, its use of such a limitation is completely proper under 35 U.S.C. 112.

Firstly, the term “not-automatically receipt confirmed transmission medium” is not a negative limitation. The element being recited is a “transmission medium” and the modifying clause “not-automatically receipt confirmed” merely identifies the type of transmission medium. Such a transmission is well defined in the Specification. *See, e.g.* page 5, lines 25-26.

Secondly, even if it were a negative limitation, there is no prohibition on reciting negative limitations in a claim. Applicant respectfully points out that, according to the MPEP:

[T]here is nothing inherently ambiguous or uncertain about a negative limitation. So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, *the claim complies with the requirements of 35 U.S.C. 112, second paragraph. MPEP 2173.05(i)* (Emphasis Added)

The MPEP is explicit: a claim limitation with a negative limitation is patentable so long as it has a basis in the original disclosure. For example, on page 5, lines 25-26, Applicant explicitly defines “not-automatically receipt confirmed transmission medium.”

On page 8, lines 15-17, Applicant provides several examples of devices that are included in the phrase “not-automatically receipt confirmed transmission medium.” Clearly, if this limitation is a negative limitation, which Applicant traverses, the present applicant provides sufficient support for this term so that it is a valid limitation under 35 U.S.C. 112.

It is believe that this rejection has been overcome by the amendments to the claims and, therefore, Applicant respectfully requests that the claims be allowed.

Claim Rejections Under 35 U.S.C. 103

Claims 2-26 were rejected under 35 U.S.C. §103 as being unpatentable over Ahmed [6,647,432] in view of Hogan [5,566,339] (Applicant that the Action included a typographical error: Patent No. 5,566,339 was issued to Perholtz. Applicant will continue under the assumption that Patent No. 5,566,339 formed the basis of this rejection and will refer to it as “the ‘339 patent.”)

Rejection as applied to Claim 6

The Action asserts that the ‘432 patent (Ahmed) discloses the step of “transmitting from a central computer at a central notification processing center to a first individual, first data packet that includes a first event code” and cites Ahmed, Fig. 6 and col. 4, line 5-col. 5, line 22 in support thereof. However, Fig. 6 shows only a server interacting with two separate client applications. The supporting text describes the server as “server software 26c2 [that] distributes interest objects between client applications.” and the client applications as “application software 26c1.” [col. 11, ll. 16-31] It makes no mention at all of a central notification processing center, no mention of a first individual and no mention of a first event code, or anything that would perform the same functions. Further, col. 4, line 5-col. 5, line 22 make no mention at al of these limitations – or anything that would perform the same functions – either.

The action also states that Ahmed discloses a not-automatically receipt confirmed transmission medium, citing Fig. 19. However, Fig. 19 shows only some sort of user interface display screen. Neither Fig. 19, nor its supporting text make any mention of “a not-automatically receipt confirmed transmission medium,” or anything that would perform a similar function.

Nor does Ahmed teach or suggest the step of “upon receiving, by the central computer, a response communication from the first individual, transmitting a request from the central computer to the first individual requesting that the first individual respond with the first event code,” as recited in Claim 6. The Examiner cites col. 4, line 15-col. 5, line 22 and col. 41, lines 20-67, in support for this portion of the rejection, but Applicant can find no mention of these limitations in the cited passage. The col. 4 cite merely recites objects of the invention, whereas the col. 41 cite merely discloses a data structure.

Nor does Ahmed teach or suggest any of the other limitations cited by the Examiner in the Action. Specifically, col. 41, lines 20-67 makes no mention at all of “identifying the first event from the first event code,” or of anything that would perform a similar function; col. 21, lines 1-28 makes no mention of “transmitting from the central computer instructions relating to the event to the first individual,” or of anything that would perform a similar function; col. 21, lines 1-28 makes no mention of “transmitting from the central computer to a second individual, via a not-automatically receipt confirmed transmission medium, a second data packet that includes a second event code, the second event code corresponding to the first event,” or of anything that would perform a similar function; col. 41, line 10 - col. 42, line 45 makes no mention of “upon the central computer receiving a response communication from the second individual, transmitting a request from the central computer to the second individual requesting that the second individual respond with the second event code” or of anything that would perform a similar function; col. 16, lines 28-50 makes no mention of “identifying with the

central computer the first event and the second individual from the second event code” or of anything that would perform a similar function; and col. 5, lines 24-36 and col. 46, line 14-24 makes no mention of “if the step of transmitting instructions relating to the first event to the first individual has been completed prior to the central computer receiving a response communication from the second individual, then transmitting from the central computer to the second individual an indication that the second individual is not required to respond to the first event” or of anything that would perform a similar function.

Applicant also asserts that none of these limitations are found in the ‘339 patent (referred to as “Hogan” in the Action, but issued to Perholtz) and, if this rejection is maintained, Applicant respectfully requests a specific cite to the ‘339 patent that shows any of the limitations that the Examiner asserts are found in the ‘339 patent.

Further, the mere fact that an element found in one reference would lead to a desirable result is not sufficient grounds to hold that the required motivation to combine references is present. None of the office actions to date include any indication that there is a suggestion of the desirability to combine Ahmed with the ‘339 patent. “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” MPEP §2143.01 (emphasis in original). “[T]o establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant.” *In re Kotzab*, 217 F.3d 1365, 1369 (Fed. Cir. 2000). Before the PTO may combine the disclosures of two or more prior art references in order to establish *prima facie* obviousness, there must be some suggestion for doing so, found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Jones*, 958 F.2d 347, 351 (Fed. Cir. 1992). However, a mere conclusory statement that a combination would result in a desirable benefit is *not* sufficient to support

the position that there is a suggestion or motivation to combine.

Most if not all inventions arise from a combination of old elements. *See In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed.Cir.1998). Thus, every element of a claimed invention may often be found in the prior art. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. *See id.* Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. *In re Kotzab*, 217 F.3d at 1369. In this context, “broad conclusory statements standing alone are not ‘evidence.’” *Id.*

Therefore, if the Examiner maintains this ground for rejection, Applicant respectfully requests a specific cite to sufficient evidence of a suggestion or motivation to combine the references pursuant to MPEP §2143.01.

For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 2 be allowed.

Rejection as applied to Claim 2

The Action states that “Ahmed-Hogan” discloses identifying the first individual from the first event code. However, there is no mention anywhere in “Ahmed-Hogan” of identifying anyone from an event code. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 2 be allowed.

Rejection as applied to Claim 3

The Action states that “Ahmed-Hogan” disclose identifying the first individual

from a caller identification data packet received from a telephone. However, the cited passage makes no mention *at all* of identifying individual from a caller identification data packet received from a telephone. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 3 be allowed.

Rejection as applied to Claim 4

The Action states that “Ahmed-Hogan disclose the first event comprises all alarm at a selected location.” Yet none of the cited passages in any teach or suggest the limitations recited in Claim 4. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 4 be allowed.

Rejection as applied to Claim 7

The Action states that “Ahmed-Hogan” disclose the instructions include directions to a location of the first event. However, the cited passages disclose nothing about providing “directions to a location of the first event.” Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 7 be allowed.

Rejection as applied to Claim 8

The Action states that “Ahmed-Hogan disclose selecting the first individual from a plurality of individuals based upon a pre-selected set of criteria. However, none of the cited passages mention the selection of an individual ... based on pre-selected criteria.” Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 8 be allowed.

Rejection as applied to Claim 9

The Action states that “Ahmed-Hogan disclose the pre-selected set of criteria include at least one of the following: a. who of the plurality of individuals is currently on duty; b. who of the plurality of individuals is closest to a location of the first event; c. who of the plurality of individuals is currently not assigned to another event; and d. who of the plurality of individuals is most capable of responding to the first event as inherent features of the persons schedule to be notified of the alert.” However, there is no mention at all of a method for selecting who is to respond to an event, as recited in Claim 9. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 9 be allowed.

Rejection as applied to Claim 10

The Action states that “Ahmed-Hogan disclose transmitting to a local facility an indication that the first event has occurred as inherent feature of a mobile switching center.” However, the cited passage makes no mention of “of transmitting from the central computer to a local computer at a local facility an indication that the first event has

occurred,” as recited in Claim 10. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 10 be allowed.

Rejection as applied to Claim 11

The Action states that “Ahmed-Hogan disclose displaying information relating to the first event on a site accessible to a user via a global computer network.” However, the cited passage makes no mention at all of displaying information relating to an event. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 11 be allowed.

Rejection as applied to Claim 12

The Action states that “Ahmed-Hogan disclose the information includes a graphical display of a location of the first event. However, this makes no mention at all of “a graphical display of a location of the first event,” as recited in Claim 12. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 12 be allowed.

Rejection as applied to Claim 13

The Action states that “Ahmed-Hogan disclose the information includes a graphical display of a nature of the first event. Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as

discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 13 be allowed.

Rejection as applied to Claim 14

The Action states that “Ahmed-Hogan disclose the information includes a graphical display of a current location of the first individual.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 14 be allowed.

Rejection as applied to Claim 15

The Action states that “Ahmed-Hogan disclose verifying that the first individual has responded to the first event by reading a personal identification of the first individual.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 15 be allowed.

Rejection as applied to Claim 16

The Action states that “Ahmed-Hogan disclose reading a personal identification apparatus at a location of the first event.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed

above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 16 be allowed.

Rejection as applied to Claim 17

The Action states that “Ahmed-Hogan disclose the verifying comprises the step of reading biometric data at a location of the first event as inherent feature of database design.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 17 be allowed.

Rejection as applied to Claim 18

The Action states that “Ahmed-Hogan disclose activating a service mode upon completion of the verifying step, wherein the first event occurs at a first location and wherein the service mode causes a pre-selected set of subsequent events occurring at the first location to be ignored as inherent feature of database design.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 18 be allowed.

Rejection as applied to Claim 19

The Action states that “Ahmed-Hogan disclose activating a service mode upon

completion of the verifying step, wherein the first event occurs at a first location and wherein the service mode causes a pre-selected set of pending events occurring at the first location to be ignored as inherent feature of database design.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 19 be allowed.

Rejection as applied to Claim 20

The Action states that “Ahmed-Hogan disclose instructing the first individual to follow a procedure to indicate acceptance of responsibility for the first event.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 20 be allowed.

Rejection as applied to Claim 21

The Action states that “Ahmed-Hogan disclose depressing a pre-selected button on a telephone handset.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 21 be allowed.

Rejection as applied to Claim 22

The Action states that “Ahmed-Hogan disclose transmitting a description of the first event to the first individual.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 22 be allowed.

Rejection as applied to Claim 23

The Action states that “Ahmed-Hogan disclose the transmitting at least one instruction to the first individual as to how the first individual is to respond to the first event.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 23 be allowed.

Rejection as applied to Claim 24

The Action states that “Ahmed-Hogan disclose a plurality of events occurs at a location and wherein if the first individual responds to the first event then the first individual accepts responsibility for each of the events of the plurality of events.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 24 be allowed.

Rejection as applied to Claim 25

The Action states that “Ahmed-Hogan disclose allowing the first individual to selectively accept responsibility for each of the events of the plurality of events.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 25 be allowed.

Rejection as applied to Claim 26

The Action states that “Ahmed-Hogan disclose receiving acceptance for the secondary event when the first individual indicates acceptance for the first event.” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 26 be allowed.

For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 26 be allowed.

Prior Art Made of Record and Not Relied Upon

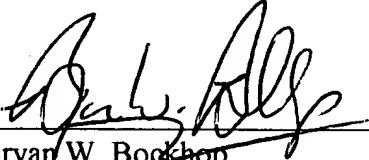
Applicant hereby asserts that the prior art made of record and not relied upon neither anticipates nor renders obvious any claims of the present application.

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CONCLUSION

Applicant believes that the rejections have been overcome for the reasons recited above. Therefore, Applicant respectfully requests that all claims be allowed.

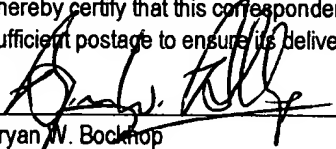
No addition fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 502666.

<u>12/30/2005</u> Date	 Bryan W. Bockhop Registration No. 39,613
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Customer Number: 25854

Bockhop & Associates, LLC
2375 Mossy Branch Dr.
Snellville, GA 30078

Tel. 678-919-1075
Fax 678-749-7314
E-Mail: bwb@bockpatent.com

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I hereby certify that this correspondence is being placed in the U.S. Mail on the date written below with sufficient postage to ensure its delivery to the Commissioner for Patents at the address listed above.	
 Bryan W. Bockhop	<u>12/30/2005</u> Date